

FRIDAY, 9 o'clock, A. M., November 23, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace. The journal of yesterday was read and adopted.

Mr. H. L. Kinney, Senator from the 19th Senatorial District, presented his credentials, took the oath of office and his seat.

Mr. Gage presented the memorial of Robert W. Latimer; which was read, and, on motion of Mr. Gage, referred with the accompanying documents to the committee on Private Land Claims.

Mr. Wallace presented the petition of J. Pinckney Henderson, agent for the heirs of George L. McLutosh, deceased; which was read, and, on motion of Mr. Wallace, referred to the committee on Claims and Accounts.

Mr. Wallace, also, presented the petition of W. B. Lewis; read, and, on motion of Mr. Wallace, referred to the committee on Claims and Accounts.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported as correctly engrossed a bill to provide for ceding to the United States jurisdiction of certain lands in this State for public purposes.

Mr. Taylor presented an informal memorial, accompanied by certain resolutions adopted by the citizens of Harrison county; which were read, and, on motion of Mr. Taylor, referred to the committee on Federal Relations.

A message was received from the House of Representatives, informing the Senate that the House had appointed a committee consisting of Messrs. Bryan, Sterne and Wilson to act conjointly with the committee appointed by the Senate to examine the archives of De Leon's colony; and that the House concurred in the amendments made by the Senate to an act establishing and incorporating the Rutersville College, approved Feb. 5th, 1840.

Mr. Pease introduced a bill, concerning passengers coming to the State of Texas; read first time.

Mr. Wallace offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into, and report by bill or otherwise, upon the expediency of having all civil causes in the several District Courts of this State set for trial on particular weeks and particular days thereof by the clerks of said courts respectively; adopted.

Mr. Van Derlip introduced a bill to prohibit the execution of

a mortgage or lien upon the homestead of a family by the husband without the consent of the wife; read 1st time.

Mr. Robertson introduced a bill to prohibit slaves from carrying fire-arms in this State, without the written consent of their owner, employer or controller; read first time.

Mr. Ward offered the following resolution:

*Resolved*, That the committee on Federal Relations be requested to take into consideration the propriety of responding, in terms of approbation, to the action and resolutions of the late National Rail-Road Convention held at Memphis, Tennessee, and also, the propriety of proposing, on the part of the State of Texas to donate, for the construction of said road (as far as the same shall pass through the State), every alternative section of all the unappropriated land lying within the space of ten miles on each side of said road, provided the same shall pass through the State as proposed by said convention; adopted.

#### ORDERS OF THE DAY.

The report of the committee on the Judiciary, on the petition of Benjamin Bryant, asking to be discharged from its further consideration; read and adopted.

On motion of Mr. Portis, the petition was laid on the table.

The report of the Judiciary committee, on a bill to regulate proceedings by *certiorari* and *supersedeas* in civil cases recommending that the bill be laid upon the table, was read and adopted.

The report of the committee on Roads, Bridges and Ferries, on a bill to amend the 9th section of an act authorizing and requiring the county courts to regulate roads and appoint overseers, &c., offering a substitute therefor, was read and adopted, and bill ordered to be engrossed.

The report of the committee on Public Lands, on joint resolution granting further time for the payment of government dues and the return of field notes, offering an amendment, was read.

Mr. Gage moved to amend the amendment of the committee by adding "and the lands subject to re-location."

Mr. Walker moved to amend the amendment of Mr. Gage by inserting after "lands" the words "described in said field notes;" adopted.

Mr. Van Derlip offered the following amendment:

*Provided*, That the provisions of this section shall not apply to surveys held by minors, *feme covert*s, or other persons under legal disability.

On motion of Mr. Gage, the bill and amendment were referred to the Judiciary committee.

Mr. Walker offered the following resolution :

*Resolved by the Senate,* That the committee on the Judiciary take into consideration and report by bill or otherwise the propriety of passing an act giving to each county in this State, created since the adoption of the constitution and which may hereafter be created, the lands promised them, under the 3d and 4th sections of the 10th article of the constitution, for educational purposes ; adopted.

A bill to be entitled an act to provide for ceding to the United States jurisdiction of certain lands in this State for public purposes ; read third time and passed.

A message was received from the House of Representatives, informing the Senate that the House had passed the following bills, viz :

A bill to be entitled an act to change the name of William Sipe Waldradt to William Waldradt Dunlap ;

A bill to be entitled an act to create the county of Ellis ;

A bill to be entitled an act to make valid the acts of Thomas R. Hill as clerk of the District Court in the county of Titus ;

A bill to be entitled an act to permit Mary Gillespie to adopt Susan Lavinia McGuffin, infant daughter of Samuel and Mary E. McGuffin, both deceased, late of the county of Grimes ;

A bill to be entitled an act to regulate the election of clerks of the District Courts in the several counties in this State ;

A joint resolution requesting the contractor of the mail route from Austin to Clarksville, by way of Bonham, to transport the mail on said route semi-weekly, instead of weekly, and making provisions for the same ; which were severally read first time.

On motion of Mr. Van Derlip, a bill to be entitled an act to repeal a portion of an act to give to each corporate county in this State, its own county surveyor, map and records, approved March 20th, 1848, was taken up, read third time and passed.

Mr. Robertson offered the following resolution :

*Resolved,* That the committee on the Judiciary be instructed to inquire into the propriety of changing the laws regulating changes of venue from one county to another, so as to require the party applying for a change of venue to pay all costs before the change is granted, and authorizing the proper officer of the county where the venue is changed to, to require security for the costs before the suit shall be filed in his or their county ; adopted.

Mr. Brashear moved to re-consider the vote ordering a bill to

fix the salaries and per diem pay of officers not otherwise provided for by law, to be engrossed.

Mr. Robertson moved to lay the motion on the table; lost.

The question then recurred on the motion to reconsider; which was lost.

On motion of Mr. Walker, the Senate adjourned.

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SATURDAY, 9 o'clock, A. M., November 24, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace. The journal of yesterday was read and adopted.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill to amend an act establishing more permanently the seat of Justice of Collin county, approved Jan. 12th, 1848, reported the same back to the Senate and recommended its passage.

Mr. Gage introduced a bill to authorize holders of head-right certificates, bounty warrants or land scrip to have the same surveyed in three or more lots; read first time.

Mr. Portis introduced a joint resolution, authorizing and requiring the Secretary of State to employ a clerk to transcribe the laws of the present session of the Legislature; read first time.

On motion of Mr. Portis, the rule requiring bills to be read on three several days was suspended. Resolution read second time and ordered to be engrossed; on motion of Mr. Portis, the rule was further suspended—resolution read third time and passed.

Mr. Van Derlip introduced a bill creating the counties of Presidio, El Paso and Worth; read first time.

Mr. Van Derlip introduced a bill, defining the boundaries of the county of Santa Fe; read first time.

On motion of Mr. Phillips, Messrs. Moffett and Brashear were added to the committee on Claims and Accounts.

Mr. Grimes offered the following resolution:

*Resolved*, That the Judiciary committee be required to take into consideration the propriety of authorizing the county courts of the several counties of this State to appoint jailers in their respective counties; adopted.